

Part 1 General Provisions

63F-1-101 Title.

- (1) This title is known as the "Utah Technology Governance Act."
- (2) This chapter is known as the "Department of Technology Services."

Enacted by Chapter 169, 2005 General Session

63F-1-102 Definitions.

As used in this title:

- (1) "Board" means the Technology Advisory Board created in Section 63F-1-202.
- (2) "Chief information officer" means the chief information officer appointed under Section 63F-1-201.
- (3) "Computer center" means the location at which a central data processing platform is managed to serve multiple executive branch agencies.
- (4) "Data center" means a centralized repository for the storage, management, and dissemination of data.
- (5) "Department" means the Department of Technology Services.
- (6)
 - (a) Except as provided in Subsection (6)(b), "executive branch agency" means an agency or administrative subunit of state government.
 - (b) "Executive branch agency" does not include:
 - (i) the legislative branch;
 - (ii) the judicial branch;
 - (iii) the State Board of Education;
 - (iv) the Board of Regents;
 - (v) institutions of higher education;
 - (vi) independent entities as defined in Section 63E-1-102; and
 - (vii) elective constitutional offices of the executive department which includes:
 - (A) the state auditor;
 - (B) the state treasurer; and
 - (C) the attorney general.
- (7) "Executive branch strategic plan" means the executive branch strategic plan created under Section 63F-1-203.
- (8) "Individual with a disability" means an individual with a condition that meets the definition of "disability" in 42 U.S.C. Sec. 12102.
- (9) "Information technology" means all computerized and auxiliary automated information handling, including:
 - (a) systems design and analysis;
 - (b) acquisition, storage, and conversion of data;
 - (c) computer programming;
 - (d) information storage and retrieval;
 - (e) voice, radio, video, and data communications;
 - (f) requisite systems controls;
 - (g) simulation; and
 - (h) all related interactions between people and machines.

- (10) "State information architecture" means a logically consistent set of principles, policies, and standards that guide the engineering of state government's information technology and infrastructure in a way that ensures alignment with state government's business and service needs.
- (11) "Telecommunications" means the transmission or reception of signs, signals, writing, images, sounds, messages, data, or other information of any nature by wire, radio, light waves, or other electromagnetic means.

Amended by Chapter 114, 2015 General Session

63F-1-103 Department of Technology Services.

- (1) There is created within state government the Department of Technology Services which has all of the policymaking functions, regulatory and enforcement powers, rights, duties, and responsibilities outlined in this title.
- (2) The department has authority to operate as an internal service fund agency as provided in Section 63J-1-410.

Amended by Chapter 183, 2009 General Session

63F-1-104 Purposes.

The department shall:

- (1) lead state executive branch agency efforts to reengineer the state's information technology architecture with the goal of coordinating central and individual agency information technology in a manner that:
 - (a) ensures compliance with the executive branch agency strategic plan; and
 - (b) ensures that cost-effective, efficient information and communication systems and resources are being used by agencies to:
 - (i) reduce data, hardware, and software redundancy;
 - (ii) improve system interoperability and data accessibility between agencies; and
 - (iii) meet the agency's and user's business and service needs;
- (2) coordinate an executive branch strategic plan for all agencies;
- (3) each year, in coordination with the governor's office, convene a group of public and private sector information technology and data security experts to identify best practices from agencies and other public and private sector entities, including best practices for data and information technology system security standards;
- (4) develop and implement processes to replicate information technology best practices and standards identified in Subsection (3), throughout the executive branch;
- (5) by July 1, 2015, and at least once every two years thereafter:
 - (a) evaluate the adequacy of the department's and the executive branch agencies' data and information technology system security standards through an independent third party assessment; and
 - (b) communicate the results of the independent third party assessment to the appropriate executive branch agencies and to the president of the Senate and the speaker of the House of Representatives;
- (6) oversee the expanded use and implementation of project and contract management principles as they relate to information technology projects within the executive branch;
- (7) serve as general contractor between the state's information technology users and private sector providers of information technology products and services;

- (8) work toward building stronger partnering relationships with providers;
- (9) develop service level agreements with executive branch departments and agencies to ensure quality products and services are delivered on schedule and within budget;
- (10) develop standards for application development including a standard methodology and cost-benefit analysis that all agencies shall utilize for application development activities;
- (11) determine and implement statewide efforts to standardize data elements and determine data ownership assignments among executive branch agencies;
- (12) develop systems and methodologies to review, evaluate, and prioritize existing information technology projects within the executive branch and report to the governor and the Public Utilities, Energy, and Technology Interim Committee on a semiannual basis regarding the status of information technology projects; and
- (13) assist the Governor's Office of Management and Budget with the development of information technology budgets for agencies.

Amended by Chapter 13, 2016 General Session

63F-1-105 Appointment of executive director -- Compensation -- Authority.

- (1) The governor shall:
 - (a) appoint the executive director with the consent of the Senate; and
 - (b) establish the executive director's salary within the salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.
- (2) The executive director shall:
 - (a) serve at the pleasure of the governor; and
 - (b) exercise all powers given to and perform all duties imposed on the department.

Enacted by Chapter 169, 2005 General Session

63F-1-106 Executive director -- Jurisdiction over divisions and office directors -- Authority.

- (1) The executive director of the department has administrative jurisdiction over each division and office in the department and the division and office directors. The executive director may make changes in personnel and service functions in the divisions under the director's administrative jurisdiction, and authorize designees to perform appropriate responsibilities, to effectuate greater efficiency and economy in the operations of the department as permitted by this section.
- (2) The executive director may establish offices and bureaus to perform functions such as budgeting, planning, and personnel administration to facilitate management of the department.
- (3) The executive director may hire employees in the department, divisions, and offices as permitted by department resources. Except as provided in Subsection (4), any employees of the department are exempt from career service or classified service status as provided in Section 67-19-15.
- (4)
 - (a) An employee of an executive branch agency who was a career service employee as of July 1, 2005 who is transferred to the Department of Technology Services continues in the employee's career service status during the employee's service to the Department of Technology Services if the duties of the position in the new department are substantially similar to those in the employee's previous position.

- (b) A career service employee transferred to the new department under the provisions of Subsection (4)(a), whose duties or responsibilities subsequently change, may not be converted to exempt status without the review process required by Subsection 67-19-15(3).
- (c) The executive director shall work with executive branch agency directors, during the period of transition to the new department, in good faith, to:
 - (i) preserve relevant career service positions;
 - (ii) retain qualified employees in non-relevant positions through transfers to other positions in state government, with retraining as necessary; and
 - (iii) promote greater economy and efficiencies for the department.
- (d) The Department of Technology Services together with the Department of Human Resource Management may develop financial and other incentives to encourage a career service employee who transfers to the department under the provisions of Subsection (4)(a) to voluntarily convert to an exempt position under Section 67-19-15.
- (e) If a career service employee transfers to the department under the provisions of Subsection (4)(a) and terminates his employment with the department for any reason, the employment position shall be exempt from career service status under the provisions of Subsection (3).

Enacted by Chapter 169, 2005 General Session

63F-1-107 Divisions of department -- Administration.

- (1) The department shall be composed of the following divisions:
 - (a) the Division of Enterprise Technology;
 - (b) the Division of Integrated Technology; and
 - (c) the Division of Agency Services.
- (2) Each division shall be administered and managed by a division director.

Enacted by Chapter 169, 2005 General Session